

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

This matter is before the Court after noting that it denied defendant's motion for summary judgment (Filing No. [41](#)) prior to the time plaintiff had to respond. Plaintiff filed a timely objection and a brief. Accordingly,

IT IS ORDERED:

- 1) The memorandum opinion (Filing No. [44](#)) and the order and judgment (Filing No. [45](#)) are set aside.
- 2) Defendant's motion for summary judgment (Filing No. [41](#)) is reinstated.
- 3) Defendant shall have until September 19, 2014, to file a response to plaintiff's opposition brief.

DATED this 5th day of September, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court